

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 18, 2012

The meeting of the Stafford County Planning Commission of Wednesday, April 18, 2012, was called to order at 6:33 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Apicella, Boswell, Hazard, Gibbons and Schwartz

MEMBERS ABSENT: Hirons

STAFF PRESENT: Harvey, McClendon, Blackburn, Knighting, Zuraf, and Ansong

Mrs. Hazard stated that six members were present, and Mr. Hirons would be absent.

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes asked if there were any declarations of disqualification. Hearing none he stated he would like to move the Planning Director's Report up to the first item of unfinished business.

Mrs. Hazard made a motion to amend the agenda; Mr. Apicella seconded. The motion passed 6-0 (Mr. Hirons was absent).

PLANNING DIRECTOR'S REPORT

- Transportation Impact Fees

Mike Smith presented the Transportation Impact Fees presentation. He stated that the General Assembly adopted the Legislation in 2000 that authorized the impact fees and then they were amended in 2007. The Impact Fees enabled municipalities to develop a methodology to fund the road projects needed due to growth. He stated that the Board of Supervisors approved impact fees for the southeast and west central areas of the County. He stated that the first analysis was an all encroach, and that resulted in the cost of \$524 million, the consultant then determined the distribution of impact fees for existing future residential and non-residential development. He stated that in that analysis the County would bare \$415 million of the \$524 million. He stated that the Infrastructure Committee recommended refining the project list. He stated that the next step would be for the Planning Commission to consider the changes of the transportation portion of the Comprehensive Plan and to hold a public hearing, and then the Board will hold a public hearing to consider the Transportation Plan and Impact Fee Ordinance. Mr. Harvey stated that the Board of Supervisors referred this item to the Planning Commission at their April 3rd meeting. At the Planning Commission's April 4th meeting he intended on presenting a brief synopsis, but since that did not occur it was carried over to this Planning Director's Report. He stated that in order to meet the Boards 60 day timeline, the Commission would need to authorize the advertisement at the next meeting. Dr. Schwartz asked what was going on with option B. Mr. Smith stated that the Board referred option A down to the Planning Commission, and he gave a brief discussion of option B. He stated for option B, they reduced the projects by 50 percent, and it reduced the amount from \$234 million to about \$115 million, which caused the project's growth percentage to increase. Dr. Schwartz asked what the determination was for roads that were in option A to be deleted from option B. Mr. Smith stated that the roads were selected by the percentage of growth, and the highest percentages of growth were picked first to be on the list. Mr. Apicella asked if the fees

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would be applied countywide. Mr. Smith stated yes they would. He stated that the impact fees would not be charged in addition to proffers. He stated if you had an impact fee, you got a credit towards your proffer. He stated that the funds have been collected in the southeast and central west areas, where there are currently impact fees, but those funds would be used only for those areas. Mr. Dayton stated that regardless of what option and if there were impact fees, there was one major change that would occur as part of a new program versus what was current. He stated that State Law was revised and impact fees could only be assessed on newly platted properties, but currently if they were in the area and got a building permit, that was evidence of growth and they would be required to pay an impact fee. Mr. Rhodes proceeded to item number 1.

UNFINISHED BUSINESS

1. RC1100267; Reclassification - Westgate Center at Stafford Courthouse - A proposed reclassification from the A-1, Agricultural and PD-1, Planned Development-1 Zoning Districts to B-2, Urban Commercial (48.99 acres) and R-2, Urban Residential-Medium Density Zoning Districts (24.33 acres) to allow for the development of a commercial retail and office complex, and single-family residential dwellings on Assessor's Parcels 29-66A and 66B, consisting of 73.32 acres in total, located on the east side of Austin Ridge Drive, and north of Courthouse Road in the Garrisonville Election District. **(Time Limit: July 2, 2012) (Deferred at April 3, 2012 to April 18, 2012)**

Mike Zuraf presented the staff report. He gave a brief description of the new proffer statement. He stated that VDOT was considering design adjustments to the Courthouse Road Interchange project that may or may not impact the Westgate property site, slightly more or less than it currently was. Mrs. Hazard asked if the methodology that was used in the past was incorrect. Mr. Harvey stated that they had to change the Ordinance to comply with State Code. He stated that the program for impact fees started in 2003, and the State Code changed in 2007. Under the provision that the program was started under, they could collect transportation impact fees at the time of an occupancy permit regardless of whether the subdivision plat had been recorded after the Ordinance went into effect or not. He stated that under the current regulations that the State Code has, and that they had to adopt, was that they could only collect impact fees for projects that had either been through a site plan approval or of record plat after they adopt the new Ordinance. He stated that the State Code was currently harmonized, as far as when you could collect proffers, and also when impact fees were collected prior to the occupancy permit. Mr. Rhodes asked if there was any County contribution towards the interchange project. Mr. Harvey stated generally speaking with primary interstate funds, they typically were not matching funds.

Scott Mayausky gave a review of the appraisal that the applicant provided. He stated the most important part of an appraisal, in this situation, was called the highest invest use. He stated that in undeveloped properties and transition areas, it was the driver in the value of that property. He stated that was valued at its current zoning, which was A-1, and it was appraised at \$12,000 per acre. He stated that the applicant's appraiser valued the property as if it was rezoned as B-2. Mr. Apicella asked what the total cost would be for the improvements of the project. Mr. Zuraf stated that for the cost that had been specified for the Austin Ridge Courthouse Road Intersection was \$450,000, and there were additional costs at the site intersections along Austin Ridge drive that had not been quantified. Mr. Mayausky stated that it would be helpful to everyone if there was a standard process.

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Because of the time, Mr. Rhodes stopped the discussion and proceeded to the public presentation portion of the meeting.

2. Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. **(Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012) (Deferred at April 3, 2012 to April 18, 2012)**
(Authorize for Public Hearing by: May 16, 2012)
(Potential Public Hearing Date: June 20, 2012)

Item 2 was discussed after public presentations.

3. Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated June 7, 2011 in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Brooke Station Urban Development Area and Courthouse Urban Development Area as receiving areas for Transfer of Development Rights. **(Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012) (Deferred at April 3, 2012 to April 18, 2012)**
(Authorize for Public Hearing by: May 16, 2012)
(Potential Public Hearing Date: June 20, 2012)

Item 3 were discussed after public presentations.

NEW BUSINESS

4. Proffer Guidelines - Review and discuss new methodology and policies. **(Time Limit: June 18, 2012) (Deferred at April 3, 2012 to April 18, 2012)**
(Authorize for Public Hearing by: May 2, 2012)
(Potential Public Hearing Date: June 5, 2012)

Item 4 was discussed after public presentations.

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5. Architectural Design Standards – Amend the Traditional Neighborhood Development Plan, an element of the Comprehensive Plan, to incorporate Architectural Design Standards. **(Time Limit: June 5, 2012) (Planning Commission has requested additional time)**
(Authorize for Public Hearing by: April 18, 2012)
(Potential Public Hearing Date: May 16, 2012)

Item 5 was discussed after public presentations.

6. Amendment to the Subdivision and Zoning Ordinances; Cluster Development – Proposed Ordinance O12-17 would amend and reordain Stafford County Code, Chapter 22, Section 22-4, “Definitions” and Section 22-58, “Content;” Chapter 22, Article IX, “Cluster Subdivisions,” Sections 22-266 through 22-270; and Chapter 28, Section 28-25, “Definition of Specific Terms” and Section 29-35, “Table of Uses and Standards,” “Table 3.1 District Uses and Standards”. This amendment creates cluster provisions in the Subdivision and Zoning Ordinances for single family detached dwellings in conformance with Virginia State Code Section 15.2-2286.1. **(Time Limit: May 28, 2012)**
(Authorize for Public Hearing by: April 18, 2012)
(Potential Public Hearing Date: May 16, 2012)

Item 6 was discussed after public presentations.

7:30 P.M.

PUBLIC PRESENTATIONS

Paul Waldowski stated that there were supposed to be 218 apartment complexes where his condo was located, but 143 townhouses were built in the location. He stated that since passing the Zoning Ordinance, they had 23 more acres that they could develop the swimming pool complex on. He stated that his concern was the impact of the roads because in Park Ridge there was the plan community which was the model of HOAs, and they owned the roads. He stated that he suggested the Board of Supervisors put it on their six year plan to make them secondary state roads.

Mr. Rhodes closed the public presentation portion and proceeded to item number 1.

1. RC1100267; Reclassification - Westgate Center at Stafford Courthouse - A proposed reclassification from the A-1, Agricultural and PD-1, Planned Development-1 Zoning Districts to B-2, Urban Commercial (48.99 acres) and R-2, Urban Residential-Medium Density Zoning Districts (24.33 acres) to allow for the development of a commercial retail and office complex, and single-family residential dwellings on Assessor's Parcels 29-66A and 66B, consisting of 73.32 acres in total, located on the east side of Austin Ridge Drive, and north of Courthouse Road in the Garrisonville Election District. **(Time Limit: July 2, 2012) (Deferred at April 3, 2012 to April 18, 2012)**

Mr. Payne stated that their evaluations were \$60,000 an acre on the 25 acres, and the remainder was part of the commercial project. He stated that the sprinklers were not requirements of the State Code or County Code, and they would offer it as an option to their buyers. Mr. Payne gave a brief description of the additional prohibited uses. Mr. Rhodes asked if there was a willingness by the

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applicant to take that to the high range of the A-1 evaluation of \$20,000 per acre. Mr. Apicella recommended they consider providing the County the \$450,000 for the road improvements necessary to mitigate the impacts of the rezoning, and additionally agree to the appropriate process and price was to dedicate or condemn the land necessary for the interchange. Mr. Payne stated that they would be willing to remove the credit. Mr. Rhodes recommended striking the offset provision of \$282,450 and leave it as the \$450,000 proffered contributions for lane improvements. Mr. Payne stated that was acceptable.

Mr. Rhodes handed over the gavel to Mrs. Hazard and made a motion to recommend approval of RC1100267, Reclassification of Westgate Center at Stafford Courthouse, with the modified proffers as were presented tonight and with the specific change as was stated on subparagraph 3-H, which read "For purposes of Landbay #2, the applicant is aware of VDOT planning for a proposed future I-95/Courthouse Interchange and are committed to working with VDOT on right of way requirements." He stated by ending that, it takes out the offset amount of \$282,000, which allowed the County to get the full proffered amount of \$450,000 for the road lane improvements.

Mr. Apicella seconded the motion.

Mr. Gibbons stated he would be opposing the motion.

Ms. McClendon informed the Commission because they were considering information that was presented in written form for the first time, there would have to be a 2/3 vote to consider it for voting.

Mr. Rhodes made a motion to accept the new information that was received tonight in order to consider moving the larger item number 1 forward.

Mr. Apicella seconded the motion.

Mrs. Hazard explained that under the by-laws the Commission did not have to consider the revision to the proffers that were made. She stated Mr. Rhodes made it very clear what was being amended and as part of the motion the Commission would be voting to accept the new information and move the application forward. After a brief discussion between the Commission and Ms. McClendon it was decided the votes would be separate.

Mrs. Hazard stated the Commission would be voting on the motion made by Mr. Rhodes concerning the proffer revision 3-H, which was submitted tonight, as dictated by Mr. Rhodes and seconded by Mr. Apicella. The motion passed 5-1 (Mr. Gibbons opposed, Mr. Hirons was absent).

Mrs. Hazard stated the Commission would now vote on the motion made by Mr. Rhodes to recommend approval of RC1100267, Reclassification of Westgate Center at Stafford Courthouse which also included the revision to proffer 3-H. The motion passed 5-1 (Mr. Gibbons opposed, Mr. Hirons was absent).

Mr. Gibbons stated that he had to leave.

Mr. Rhodes preceded to items 2 and 3.

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Mrs. Hazard made a motion go to into closed session to receive legal counsel concerning the Transfer of Development Rights, which was items number 2 and 3, as well as related legal advice regarding the Cluster Subdivision Development Ordinance, which was item number 6 under new business.

Dr. Schwartz seconded the motion.

The motion passed 5-0 (Mr. Hirons and Mr. Gibbons were absent).

The Commission went into closed session at 8:09 p.m.

Mr. Rhodes reconvened the meeting at 8:48 p.m. He stated he would entertain a motion to certify the results of the closed session.

Mr. Boswell made a motion that the Stafford County Planning Commission does hereby certify, on the 18th day of April, 2012, that to the best of each members knowledge, number 1 only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, were discussed in the closed meeting to which this certification applies, and two only such public business matters as were identified in the motion by which the said closed meeting was convened, or heard, discussed or considered by the Commission. Dr. Schwartz seconded the motion. The motion passed 5-0 (Mr. Hirons and Mr. Gibbons were absent).

2. *Amendment to Zoning Ordinance - Proposed Ordinance O12-02 would amend the Stafford County Code by, among other things, creating new definitions, modifying permitted uses and creating new zoning regulations to establish a Transfer of Development Rights (TDR) program. The purpose of the TDR program is to provide a mechanism by which a property owner can voluntarily transfer residential density from sending areas to receiving areas and/or to a transferee without relation to any particular property through a process intended to permanently conserve agricultural and forestry uses of lands, reduce development densities on those and other lands, and preserve rural open spaces and natural and scenic resources. The TDR program is intended to complement and supplement County land use regulations, resource protection efforts, and open space acquisition programs. The TDR program is also intended to encourage increased densities in two designated receiving areas that can better accommodate this growth. (Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012) (Deferred at April 3, 2012 to April 18, 2012)*
3. *Amendment to the Stafford County Comprehensive Plan ("Plan") - A proposal to amend the Plan dated June 7, 2011 in accordance with Virginia Code Section 15.2-2229 regarding Transfer of Development Rights (TDR). The proposed amendment would modify Chapter 3 of the Plan to incorporate amendments to the textual document and adopt a new map entitled Figure 3.8, Transfer of Development Rights Sending and Receiving Areas. The map generally depicts the area south of Aquia Creek, east of the CSX Rail Line and north of Potomac Creek that are designated as Agricultural/Rural and Park on the Plan Land Use Map as a sending area for Transfer of Development Rights and the lands designated as the Brooke Station Urban Development Area and Courthouse Urban Development Area as receiving areas for Transfer of Development Rights. (Time Limit: June 2012) (History - Deferred at March 7, 2012 to March 21, 2012) (Deferred at March 21, 2012 to April 3, 2012) (Deferred at April 3, 2012 to April 18, 2012)*

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Amy Ansong presented the staff report. Mr. Harvey stated the density and the number of units in the alternatives for the receiving area in order to accommodate for the increase in the number of units being sent. He stated that alternatives 5 and 6 have the densities as described in the UD Zoning District Amendment that advertisement was authorized for. Mr. Rhodes asked if all the lots had to be vacant lots or could they be lots that could be redeveloped. Mr. Harvey stated that the statute stipulated that the receiving zone had to be vacant land. Mr. Harvey stated that if the Commission preferred they could exclude those properties that would affect the acreage.

Mrs. Hazard made a motion to move the TDR Brooke option number 5 that was presented in tonight's packet, with parcels greater than 25 acres, which resulted in additional dwelling units of the 517, and did not include the Crow's Nest Harbor, to start as discussion. No second was made.

Mr. Apicella made a motion to include Crow's Nest Harbor and the A-2 properties greater than 20 acres, as the sending area to equal up to 491, as the definition. Dr. Schwartz seconded the motion. The motion passed 3-2 (Mrs. Hazard and Mr. Rhodes opposed the motion. Mr. Hirons and Mr. Gibbons were absent).

Mr. Apicella made a motion to use alternative 6 as guidance to staff for drafting the necessary changes to allow a vote for public hearing, and as the receiving area definition. Dr. Schwartz seconded the motion. The motion passed 5-0 (Mr. Hirons and Mr. Gibbons were absent).

Mr. Apicella recommended that staff change the percentages, include the park related areas as a continuing use allowable under the State Code, and consider a reasonable sunset provision. Mr. Harvey asked if the direction from the Commission would be to add the UD zone to the receiving area. Mr. Rhodes and Mrs. Hazard agreed. Mr. Rhodes proceeded to item number 4.

NEW BUSINESS

4. Proffer Guidelines - Review and discuss new methodology and policies. (Time Limit: June 18, 2012) (Deferred at April 3, 2012 to April 18, 2012)

Amy Ansong presented the staff report. She stated that the County had accepted monetary proffers since 1989 and the guidelines were most recently updated in 2005, when the Board of Supervisors introduced the Marshall Swift Index. She stated that staff had attempted to revisit the methodology and develop a more comprehensive policy towards monetary proffers and land dedications. She stated that staff conducted research of nearby jurisdictions. She stated that staff was asking the Planning Commission to look over the proffer guidelines, excluding transportation guidelines, and consider options and alternatives regarding the proposed proffer guidelines and in terms of defining the process for proffer guidelines. Staff was asking for Board input regarding the proposed proffer guidelines, for the Planning Commission to give input regarding the process for process guidelines, and to schedule a public hearing. Mr. Harvey stated that the CIP was currently under consideration by the Board and it would be tied to the adoption of the budget. Mr. Rhodes suggested using the existing CIP until there was a new one. Mr. Apicella recommended asking for more time on this item and assigning it to a subcommittee. Mr. Harvey stated that this would be a policy of the County and needed to be in writing with specific language, but ultimately would be adopted by resolution by the Board. Mr. Rhodes recommended having a joint committee work on further refinements before proceeding to a public hearing. Mr. Apicella agreed. He asked what would be the ramification if the Planning Commission did not meet their schedule on this item. Ms.

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McClendon stated that if it required under the State Code it would go back being recommended for approval, but because it was not a requirement of a sit down and as a Board request that might not happen, so generally there would just be no recommendation from the Planning Commission in response to the Board's request. Mr. Rhodes requested that the Board of Supervisors give them an extension on the time and would ask their interest or consideration of a joint committee. He asked Mr. Harvey if staff could draft a letter to the Board asking for an extension until the first meeting in September. Mr. Harvey stated he would prepare the letter. Mr. Rhodes proceeded to item number 5.

5. *Architectural Design Standards - Amend the Traditional Neighborhood Development Plan, an element of the Comprehensive Plan, to incorporate Architectural Design Standards. (Time Limit: June 5, 2012) (Planning Commission has requested additional time)*

Mr. Harvey stated that the Board granted the requested time extension for the item. He stated that in the staff memo, they asked the Commission for direction on public input, and they were proposing that they may have a website where people could give a preference survey. Mr. Apicella recommended that the website be augmented by at least one public session. Mr. Harvey stated that staff would continue to work on compiling information to bring back to the Commission to get feedback to make sure they were going in the right direction for both the public meeting and the preference survey. Mr. Rhodes proceeded to item number 6.

6. *Amendment to the Subdivision and Zoning Ordinances; Cluster Development - Proposed Ordinance O12-17 would amend and reordain Stafford County Code, Chapter 22, Section 22-4, "Definitions" and Section 22-58, "Content;" Chapter 22, Article IX, "Cluster Subdivisions," Sections 22-266 through 22-270; and Chapter 28, Section 28-25, "Definition of Specific Terms" and Section 29-35, "Table of Uses and Standards," "Table 3.1 District Uses and Standards". This amendment creates cluster provisions in the Subdivision and Zoning Ordinances for single family detached dwellings in conformance with Virginia State Code Section 15.2-2286.1. (Time Limit: May 28, 2012)*

Ms. Blackburn gave a brief update. She stated that the Commission had to make a decision tonight for a public hearing. Mr. Apicella recommended removing paragraph 1 of Section 269, and leave paragraph 2. Mr. Rhodes stated that he would take that as a form of a motion for modification. Mrs. Hazard seconded the motion. The motion passed 5-0 (Mr. Hirons and Mr. Gibbons were absent).

Mr. Apicella made a motion to authorize the modified version of the Cluster Subdivision Ordinance for public hearing. Mrs. Hazard seconded the motion. The motion passed 5-0 (Mr. Hirons and Mr. Gibbons were absent).

Mr. Rhodes proceeded to the continuance of the Planning Director's Report.

PLANNING DIRECTOR'S REPORT (con't)

Mr. Harvey stated that the Board of Supervisors approved the Stafford Sport Center Reclassification yesterday. Mr. Rhodes proceeded to the County Attorney's Report.

PUBLIC HEARINGS

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None

COUNTY ATTORNEY'S REPORT

Mrs. McClendon stated that she had no report at the time.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Rhodes stated that the last item of the clasped together packet that was received tonight was a notional agenda for the May 5, 2012, retreat located in the ABC Conference Room at 8 a.m. to 12 p.m. He stated that they would be going over the Planning and Zoning Department's structure and the different area of responsibilities, and the major actions that they dealt with as a body together to ensure there was clarity in the process of what was transpiring with each of the actions before it would come to the Planning Commission.

OTHER BUSINESS

8. TRC Information - Cancelled

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss the meeting adjourned at 10:11 p.m.

Michael Rhodes, Chairman
Planning Commission